

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

WP(C).No. 24383 of 2007(C)

PETITIONER:

M/S JAISHANKAR STEELS (P) LTD,
VAZHAKULAM, ALUVA REPRESENTED BY ITS
GENERAL MANAGER, SURENDRAN K.V.

BY ADV. SRI.K.MANOJ CHANDRAN
SRI.P.R.AJITHKUMAR

RESPONDENTS:

1. THE GENERAL MANAGER,
DISTRICT LEVEL COMMITTEE,
DEPARTMENT OF INDUSTRIES, ERNAKULAM.
2. STATE LEVEL COMMITTEE, DEPARTMENT OF
INDUSTRIES, THIRUVANANTHAPURAM,
REPRESENTED BY ITS DIRECTOR.
3. THE ASSISTANT COMMISSIONER (ASSMT)-II
DEPARTMENT OF COMMERCIAL TAXES,
SPECIAL CIRCLE, MATTANCHERRY.
4. THE DEPUTY COMMISSIONER OF COMMERCIAL
TAXES (APPEALS), ERNAKULAM.

BY G.P.SRI.C.K.GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WPC.NO.24383/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 COPY OF THE ORDER DTD 24.11.03

EXT.P2 COPY OF THE APPEAL DTD 9.12.03.

EXT.P3 COPY OF THE CERTIFICATE DTD 11.3.06.

EXT.P4 COPY OF THE POSTING NOTICE DTD 31.5.07.

EXT.P5 COPY OF THE ORDER OF ASSESSMENT FOR THE YEAR 02-03 DTD 16.3.07.

EXT.P6 COPY OF THE APPEAL DTD 19.7.07.

EXT.P7 COPY OF THE STAY PETITION DTD 19.7.07.

/TRUE COPY/

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ANTONY DOMINIC,J.

W.P.(C).NO.24383 OF 2007 -C

Dated this the 3rd day October, 2007.

JUDGMENT

Aggrieved by rejection of his claim for exemption, Exhibit P2 appeal is filed by the petitioner before the 2nd respondent. Based on the rejection of his claim for exemption, Ext.P5 order of assessment has been issued for the year 2002-03. Against Ext.P5, Ext.P6 appeal has been filed by the petitioner before the 4th respondent.

2. In view of the above facts, what is required to be done first is to decide Ext.P2. It is submitted by the learned counsel for the petitioner that appeal has been heard on 13.06.2007 and that orders have not been passed. Taking into account the above facts, it is directed that the 2nd respondent shall pass final orders on Ext.P2 as expeditiously as possible, at any rate, within four weeks from the date of receipt of a copy of this judgment.

3. In so far as Ext.P6 appeal is concerned, it is pending before the 4th respondent. The decision on Ext.P2 will determine the

outcome of Ext.P6. In view of the pendency of the appeal, it is directed that Ext.P6 appeal shall be decided, once orders have been passed on Ext.P2 appeal . This shall be done as expeditiously as possible .

4. In the mean while, interim order of stay of recovery ordered by this Court in the order dated 10.8.2007 will continue.

The writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

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WPC.NO.24383/07.